

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT P. GOODRICH,)
Petitioner,)
v.) Civil Action No. 03-12541-NG
TIM HALL,)
Respondent.)

ASSENTED-TO MOTION TO IMPOUND

The respondent, Tim Hall, through counsel, hereby respectfully requests that the Court impound his Supplemental Answer, which will be filed upon this Court's order. In support of his motion, the respondent states as follows:

1. As part of the pre-trial proceedings in the underlying state court action, the petitioner moved to dismiss the charges against him based on testimony presented to the grand jury. *See Docket Sheet for Commonwealth v. Robert P. Goodrich*, Middlesex County Superior Court Criminal Action No. 2000-00018, attached hereto as Exhibit A. The petitioner's motion was denied, and the petitioner was convicted of assault and battery with a dangerous weapon after a trial in Middlesex County Superior Court. *See id.* The petitioner subsequently appealed his conviction to the Massachusetts Appeals Court. *Id.*

2. In connection with his appeal to the Massachusetts Appeals Court, the petitioner filed a brief and appendix which contained impounded grand jury testimony. The brief and appendix were marked as containing and referring to impounded material, in accordance with

Mass. R. Crim. P. 16(m), and the presence of this impounded material was noted by the Massachusetts Appeals Court. *See Docket Sheet for Commonwealth v. Robert P. Goodrich*, Massachusetts Appeals Court No. 2001-P-1462, attached hereto as Exhibit B.

3. As part of its Order to Answer, this Court has directed the respondent to file the pertinent portions of the state court record. The petitioner's brief and record appendix filed in the Massachusetts Appeals Court constitute a portion of that record to be included in the respondent's Supplemental Answer.

4. In order to comport with the Massachusetts Appeals Court's notation that the petitioner's brief and record appendix should be withheld from public inspection, the respondent respectfully requests that the court impound the Supplemental Answer that he is prepared to file.

5. Petitioner's counsel does not oppose this motion.

WHEREFORE, for the foregoing reasons, respondent respectfully requests that this Court impound the respondent's Supplemental Answer, to be filed upon receipt of the court's order.

Respectfully submitted,

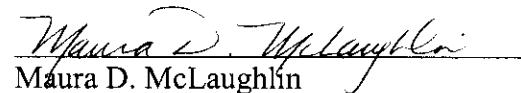
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Dated: March 11, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon counsel for the petitioner, Robert P. Goodrich, on March 11, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to Jill L. Brenner, Esq., counsel for the petitioner, Connelly, Conroy & Gelhaar, One Beacon Street, 33rd Floor, Boston, Massachusetts 02108.


Maura D. McLaughlin